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U.S. Department of Justice

United States Attorney's Office
Eastern District of New York

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10.4.15-OSC Resp.wpd
F#2009V03159

271 Cadman Plaza East
Brooklyn, New York 11201

April 15, 2010

Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Defendants shall submit a further status report by May 28, 2010, confirming delivery of the glasses, or if that is not possible, they shall show cause why the petition should not be granted.

SO ORDERED: 4/16/10

Re: Sanderell v. Warden Duke Terrell, *et al.*,
Civil Action No. CV-09-5208 (EDNY)(BMC)

S/Judge Brian M. Cogan
U.S.D.J.

Dear Judge Cogan:

This letter is written in response to Plaintiff's Motion for Relief pursuant to 28 U.S.C. § 2241, in which Plaintiff challenged the conditions of his confinement, seeking the Court's assistance in obtaining: 1) a medically prescribed back brace; 2) medically authorized therapeutic shoe inserts; 3) a medically authorized mattress pad and 4) eye glasses, which would resolve Plaintiff's current vision issues.¹

As Your Honor may recall from the United States prior correspondence, dated March 12, 2010, Plaintiff has been issued the sought back brace, shoe inserts and special mattress pad intended to further alleviate Plaintiff's back pain. In addition, the Bureau of Prisons arranged for an updated examination of Plaintiff's eyes and has provided Plaintiff with a copy of his new vision prescription. Plaintiff has opted to send his new prescription to his family eye care center to be filled, as opposed to utilizing the Bureau of Prisons optometrist, as is his right. Due to a series of regrettable snafues, Plaintiff's eye-glass prescription and pre-incarceration eye glasses frames were delivered to the United States Postal Service for ultimate delivery to Plaintiff's family eye care center this morning. We anticipate that Plaintiff's family eye care center will be able to craft and install the updated lenses in the next thirty days. With the assistance of the Bureau of Prisons, this office will make every effort available to insure that once Plaintiff's new glasses are ready, that they are delivered to Plaintiff without further delay. This Office in conjunction with Bureau of Prisons Metropolitan Detention Center Counsel have scheduled our next telephone conference with the Plaintiff for April 16, 2010, and will continue to schedule regular conferences with Plaintiff so as to insure the prompt delivery of Plaintiff's eyeglasses to him. It is our hope that Plaintiff will have

¹ Plaintiff properly exhausted his administrative remedies prior to filing the instant application for a writ of habeas corpus.

his new eye glasses in hand, and that this matter will be finally resolved no later than the end of May.

We apologize to the Court and to the Plaintiff for the unexpected length of time that has been required to resolve these issues.

Respectfully submitted,

BENTON J. CAMPBELL
UNITED STATES ATTORNEY

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